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REMARKS

Claims 1-9 are pending in this application. Claims 1-9 were rejected.

Claims Rejections under 35 U.S.C. § 102(e)

Claims 1-6, 8, and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,337,983 to Bonta (hereinafter "Bonta"). Applicants respectfully submit that claims 1-6, 8, and 9, are not anticipated by the Bonta patent for the reasons and explanations set forth below.

Claim 1 has been amended to recite a "method for call recovery comprising: transmitting a pilot strength measurement message from a mobile terminal at a first transmit power level; waiting a predetermined time period during which call recovery is not completed; and transmitting the pilot strength measurement message from the mobile terminal at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level." The Bonta patent does not disclose or suggest the following feature of claim 1: "waiting a predetermined time period during which call recovery is not completed". Instead, at step 610 (Figure 3), the Bonta patent discloses the mobile unit resuming normal call processing between step 609 and step 632 (Figure 4). "With the transmitter turned on, the mobile unit 330 must now send a PSMM (609) to the infrastructure to let it know that the reserved rescue channels are not being used at this point in time. Normal call processing will resume (610) (i.e. handoff procedures, closed loop power control, and transmission of traffic data are enabled)." See, column 10, lines 51-57. Applicants assert that normal call processing disclosed in step 610 of the Bonta patent is associated with call recovery completion. Support for the amendment to claim 1 can be located (among other locations) in the specification at page 20 (paragraph [1065]), lines 1-2, and page 27 (paragraph [1084]), lines 25-27. Because the Bonta patent does not disclose all the limitations of amended claim 1, Applicants submit that claim 1 is not anticipated by the Bonta patent, and should now be allowed.

Claims 2 and 3 are allowable as depending directly from an allowable independent claim.

Claim 4 is allowable for reasons similar to those given above for claim 1. Applicants have noted the presence in the Office Action of the following rejection of

claim 4: "Regarding claim 4, the modified Chheda et al. discloses everything a claim 1 above." Applicants are responding to the rejection of claim 4 based on the Bonta patent. Claim 4 has been amended to recite a "method, comprising: initiating a call recovery from a mobile terminal; transmitting a pilot strength measurement message from the mobile terminal at a first transmit power level which is less than a maximum transmit power level; and incrementing a transmit power level from a mobile terminal prior to receiving a hand-off direction message and completion of the call recovery." The Bonta patent discloses transmission of a pilot strength measurement message at a "maximum power". See column 3, lines 11-16. Accordingly, it necessarily follows that the Bonta patent does not disclose "incrementing a transmit power level from a mobile terminal prior to receiving a hand-off direction message and completion of the call recovery" because the transmit power is already at a maximum. Support for the amendment to claim 4 can be located (among other locations) in the specification at page 20 (paragraph [1065]), lines 1-2, page 27 (paragraph [1084]), lines 5-27, and Figure 12B. Because the Bonta patent does disclose all the limitations of amended claim 4, Applicants submit that claim 4 is not anticipated by the Bonta patent, and should now be allowed.

Claims 5-7 are each allowable as depending directly or indirectly from an allowable independent claim.

Claim 8 is allowable for the reasons presented above for claim 1.

Claim 9 is allowable as depending directly from an allowable independent claim.

#### **Claim Rejections under 35 U.S.C. § 103**

Claim 7 was rejected as being unpatentable over Bonta in view of U.S. Patent 6,633,554 to Dalal (hereinafter "Dalal"). This rejection is respectfully traversed.

Applicants submit that the nonobviousness of independent claim 4 precludes a rejection of claim 7 at least indirectly depending therefrom, because a dependent claim is obvious only if the independent claim from which it depends is obvious. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, Applicants request that the Examiner withdraw the 35 U.S.C. § 103(a) obviousness rejection to dependent claim 7.

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## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants respectfully submit that all pending claims in the present invention are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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